



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Ed AUSTIN, et al.

SERIAL NO.: 10/607,010 Group Art Unit: 3733

FILED: June 26, 2003 EXAMINER: Shaffer, Richard R.

FOR: EXTERNAL FIXATION APPARATUS AND METHOD

ATTORNEY DOCKET NO.: 39262/285776  
(01-31-0780)

DATE: November 22, 2005

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO OFFICE ACTION**

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Sir:

Please consider the following remarks in response to the Office Action mailed October 31, 2005 (the "Action").

In the Action, the Examiner asserts that the application contains claims directed to numerous patentably distinct species of a pin clamp, second member, and coupling, corresponding to various figures in the application as recited in the Action. Assignee is required to elect a single disclosed combination of species for prosecution. The Examiner believed claims 1 and 18 may be generic.

In response, Assignee respectfully submits that claims 1, 2, 17, and 30-32 are generic. Additionally, Assignee elects the combination of species disclosed in Fig. 16 (and also

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shown in Figs. 15, 17, and 18) of the application. Assignee believes that claims 3-5, 16, 18-21, 23-29, and 33 read on the elected species.

Assignee notes that the application discloses that second member 310 in Fig. 16 "may be similar to second member 110" of Figs. 1-4. *See* p. 20, lines 16-22. Accordingly, claims 3-5, 19, 20, 28, and 33 read on the embodiment shown in Fig. 16, as it is described in the application. Additionally, Assignee notes that claims 25-27 and 29 do not recite a second member.

The foregoing is submitted as a full and complete response to the Action mailed October 31, 2005. If the Examiner disagrees with the identification of generic claims or the claims corresponding to the elected combination of species, Assignee respectfully requests that the Examiner contact the undersigned attorney at the telephone number below prior to issuing another office action or further restriction requirement.

No fee is believed to be due in connection with this submission, however, if a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



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